

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE DOMINICAN REPUBLIC
CONCERNING
COOPERATION IN MARITIME MIGRATION LAW ENFORCEMENT**

The Government of the United States of America and the Government of the Dominican Republic (hereinafter "the Parties");

Bearing in mind the complex nature of the problems of unsafe transport and smuggling of migrants;

Recalling the International Convention for the Safety of Life at Sea, 1974, with annex (hereinafter "the SOLAS Convention"), and the 1982 United Nations Convention on the Law of the Sea;

Having regard to the urgent need for international cooperation in suppressing the smuggling of migrants by sea, as reflected in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, signed at Palermo, December 12-15, 2000 (hereinafter "the Palermo Protocol"); in International Maritime Organization (IMO) Circular MSC/Circ.896, December 16, 1998; in IMO Resolutions A.867(20), adopted November 27, 1997, and A.773(18), adopted November 4, 1993; and in United Nations General Assembly Resolution 48/102, adopted December 20, 1993;

Acknowledging the international legal obligations of the Parties under the Convention on Consular Relations, 1963, the principle of *non-refoulement* contained in the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (hereinafter "the Refugee Protocol") and in the United Nations Convention Against Torture and Cruel, Inhuman and Degrading Treatment and Punishment, and the obligations of each Party under its migration laws and policies;

Recalling also the Agreement between the Parties Concerning Maritime Counterdrug Operations, signed at Santo Domingo and entered into force March 23, 1995;

Further recalling that paragraph 9 of IMO Circular MSC/Circ.896 and Article 17 of the Palermo Protocol require Parties to consider the conclusion of bilateral agreements, operational arrangements or understandings aimed at establishing the most appropriate and effective measures to prevent and combat the unsafe transport and smuggling of migrants;

Desiring to promote greater cooperation between them in combating the unsafe transport and smuggling of migrants by sea;

Desiring also to facilitate the repatriation of certain migrants; and

Based on the principles of international law, respect for the sovereign equality of States and in full respect of the principle of the right of freedom of navigation;

Have agreed as follows:

ARTICLE 1 DEFINITIONS

For the purposes of this Agreement, unless the context otherwise requires:

1. "Migrant" means a person attempting to enter illegally or being transported for the purpose of entering illegally into a State of which the person is not a national or permanent resident.
2. "Unsafe transport of migrants by sea" means the carriage of migrants on board a vessel that is:
 - a. obviously operating in conditions which violate fundamental principles of safety of life at sea, including but not limited to those of the SOLAS Convention, or
 - b. not properly manned, equipped or licensed for carrying passengers on international voyages,

and that thereby constitutes a serious danger for the lives or the health of the persons on board, including the conditions for embarkation and disembarkation.

3. "Migrant smugglers" means persons engaged in smuggling of migrants.
4. "Smuggling of migrants" means the procurement or attempted procurement of the illegal entry of a person into a State of which the person is not a national or a permanent resident.
5. "Dominican territory, waters and airspace" means the territorial sea and internal waters of the Dominican Republic, and the air space over such territory and waters.
6. "Contiguous zone" has the same meaning as in Article 33 of the Law of the Sea Convention.
7. "International waters" means all parts of the sea not included in the territorial sea, archipelagic waters, and internal waters of a State.

8. "International airspace" means the airspace situated over international waters.
9. "Dominican Aviation authorities" means the Chief of Operations, Dominican Air Force.
10. "Law enforcement authorities" means, for the Government of the Dominican Republic, organizations of the Dominican Armed Forces and National Police, and, for the Government of the United States of America, the United States Coast Guard.
11. "Law enforcement officials" means, for the Government of the Dominican Republic, uniformed members of organizations of the Dominican Armed Forces and National Police, and for the Government of the United States of America, uniformed or otherwise clearly identifiable members of the Department of Homeland Security and the Department of Justice, authorized by their respective Governments.
12. "Law enforcement vessels" means warships and other ships of the Parties, or of third States as may be agreed by the Parties, on which law enforcement officials of either or both Parties are embarked, clearly marked and identifiable as being on government non-commercial service and authorized to that effect, including any boat or aircraft embarked on such ships.
13. "Law enforcement aircraft" means aircraft of the Parties, or of third States as may be agreed by the Parties, on which law enforcement or other officials of either or both Parties are embarked, engaged in law enforcement operations or operations in support of law enforcement activities, clearly marked and identifiable as being on government non-commercial service and authorized to that effect.
14. "Shiprider" means a law enforcement official of one Party authorized to embark on a law enforcement vessel or aircraft of the other Party.
15. "Shiprider Program Coordinator" means, for the Government of the Dominican Republic, the Chief of Naval Operations (M-3), Dominican Navy, and for the Government of the United States of America, the Commander, Seventh Coast Guard District.
16. "Suspect vessel" means a vessel used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is engaged in the unsafe transport of migrants by sea or migrant smuggling.
17. "Vessel" means any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by

a Government and used, for the time being, only on government non-commercial service.

ARTICLE 2 NATURE AND SCOPE OF AGREEMENT

The Parties shall cooperate in combating the unsafe transport of migrants by sea and smuggling of migrants to the fullest extent possible, consistent with international law and available law enforcement resources and priorities related thereto. This shall include the sharing of information between the Parties concerning specific instances of the unsafe transport of migrants by sea and the smuggling of migrants.

ARTICLE 3 OPERATIONS IN AND OVER WATERS OF A PARTY

Operations to suppress unsafe transport of migrants by sea and smuggling of migrants in and over the waters of a Party are the responsibility of, and subject to the authority of, that Party.

ARTICLE 4 COMBINED LAW ENFORCEMENT PROGRAM

1. **Cooperation in Matters of Operations.** The Parties shall establish a combined law enforcement shiprider program between their law enforcement authorities. Each Party shall designate a coordinator to organize its program activities and to inform the other Party of the types of vessels and officials involved in the program.

2. **Dominican Shipriders on Board U.S. Law Enforcement Vessels and Aircraft.** The Government of the Dominican Republic shall designate qualified shipriders who, in accordance with Dominican law, may, in appropriate circumstances:

- a. embark on U.S. law enforcement vessels and aircraft;
- b. authorize the pursuit, by the U.S. law enforcement vessels or aircraft on which they are embarked, of suspect vessels fleeing into Dominican waters;
- c. authorize the U.S. law enforcement vessels or aircraft on which they are embarked to conduct maritime migration law enforcement patrols in Dominican waters and overflight in Dominican airspace to carry out the purpose of this Agreement;
- d. enforce the laws of the Dominican Republic in Dominican waters, or seaward of the Dominican territorial sea in the exercise of the right of hot pursuit or otherwise in accordance with international law; and
- e. request and authorize U.S. law enforcement officials to assist them in the enforcement of the laws of the Dominican Republic.

3. U.S. Shipriders on Board Dominican Law Enforcement Vessels and Aircraft. The Government of the United States of America shall designate qualified shipriders who, in accordance with United States law, may, in appropriate circumstances:

- a. embark on Dominican law enforcement vessels and aircraft;
- b. advise and assist Dominican law enforcement officials in the conduct of boardings of vessels to enforce the laws of the Dominican Republic.
- c. enforce, seaward of the territorial sea of the Dominican Republic, the laws, including appropriate Executive Orders, of the United States where authorized to do so; and
- d. authorize the Dominican vessels and aircraft on which they are embarked to assist in the enforcement of the law of the United States seaward of the territorial sea of the Dominican Republic.

4. Display of Flag of the Other Party. For the purposes of paragraphs 2 and 3 of this Article, law enforcement vessels operating on behalf of a Party shall, during such operations, also fly the flag or ensign of that Party in accordance with established international naval customs and courtesies.

5. Authority of Law Enforcement Officials. When a shiprider is embarked on the other Party's law enforcement vessel, and the law enforcement action being carried out is pursuant to paragraphs 2 or 3 of this Article, any law enforcement measure, including boardings, search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the shiprider.

a. Crew members of the other Party's vessel may assist in any such action if expressly requested to do so by the shiprider, and only within the limits of such request and in the manner requested. Such request, including any request for the use of force, may only be made, agreed to, and acted upon in accordance with the laws and policies of both Parties.

b. Such crew members may use force in self-defense and defense of others in accordance with applicable laws and policies of their Government.

ARTICLE 5 OPERATIONS IN DOMINICAN WATERS

1. Permission. The Government of the United States of America shall not conduct maritime migration law enforcement operations in Dominican waters without the permission of the Government of the Dominican Republic, granted by this Agreement or by other agreements or arrangements.

2. Pursuit and Entry. This Agreement constitutes permission by the Government of the Dominican Republic for United States maritime migration law enforcement operations in any of the following circumstances:

- a. an embarked Dominican shiprider so authorizes entry into Dominican waters;
- b. if a suspect vessel, detected seaward of the territorial sea of the Dominican Republic, enters Dominican waters and neither a Dominican shiprider nor law enforcement vessel is immediately available to investigate, the United States Government shall notify the Dominican law enforcement authority of the operation underway, and the U.S. law enforcement vessel may pursue the suspect vessel into the Dominican waters, subject to paragraph 3 of this Article, in order to investigate, board and search the vessel, and, if the evidence warrants, detain it pending expeditious disposition instructions from Dominican law enforcement authorities; and
- c. if a suspect vessel is located in Dominican waters and neither a Dominican shiprider nor law enforcement vessel is immediately available to investigate, the United States Government shall notify the Dominican law enforcement authority of the operation underway, and a U.S. law enforcement vessel may enter Dominican waters, subject to paragraph 3 of this Article, to investigate, in order to board and search the suspect vessel, and if the evidence warrants, U.S. law enforcement officials may detain the suspect vessel pending expeditious disposition instructions from Dominican law enforcement authorities.

3. Notice. The United States shall provide prior notice to the Dominican law enforcement authority of action to be taken under subparagraphs 2.b and 2.c of this Article, unless not operationally feasible to do so. In any case, notice of the action shall be provided to the Dominican law enforcement authority without delay.

4. Routine Patrols. Nothing in this Article shall be construed as permitting a U.S. law enforcement vessel without a Dominican shiprider embarked to patrol randomly within Dominican waters.

5. Technical Assistance. The law enforcement authority of one Party (the "first Party") may request, and the law enforcement authority of the other Party may authorize, law enforcement officials of the other Party to provide assistance to law enforcement officials of the first Party in their boarding and investigation of suspect vessels located in the territory or waters of the first Party.

6. Assistance Entry. U.S. law enforcement vessels and aircraft may immediately enter onto or over Dominican waters and territory for the purposes of rendering emergency assistance to suspected migrants, or vessels or aircraft suspected of being engaged in the unsafe transport or smuggling of migrants when the location of such vessels is reasonably well-known, in danger or distress, with notification of such entry to Dominican law enforcement authorities as soon as practicable.

ARTICLE 6 OTHER AUTHORIZATIONS

Nothing in this Agreement precludes the Government of the Dominican Republic from expressly authorizing other United States operations to suppress unsafe transport of migrants by sea or smuggling of migrants in Dominican waters or involving Dominican flag vessels suspected of unsafe transport of migrants by sea or smuggling of migrants.

ARTICLE 7 OVERFLIGHT OPERATIONS AND PROCEDURES

1. **Overflight Operations.** The Government of the Dominican Republic shall permit aircraft of the Government of the United States of America when engaged in law enforcement operations or operations in support of law enforcement activities intended to carry out the purpose of this Agreement, subject to paragraph 2 of this Article to:

a. Overfly its territory and waters; and

b. Subject to the laws of each Party, with due regard for its laws and regulations for the flight and maneuver of aircraft, relay orders from its competent authorities to suspect aircraft to land in the territory of the Dominican Republic.

2. **Overflight Procedures.** The Government of the United States of America shall, in the interest of flight safety, observe the following procedures for notifying appropriate Dominican authorities of such overflight activity by U.S. aircraft:

a. In the event of planned bilateral or multilateral law enforcement operations, the Government of the United States of America shall provide reasonable notice and communications channels to the appropriate Dominican aviation authorities of planned flights by its aircraft over Dominican territory or waters.

b. In the event of unplanned operations, which may include the pursuit of suspect aircraft into Dominican airspace pursuant to this Agreement, the law enforcement and appropriate aviation authorities of the Parties may exchange information concerning the appropriate communications channels and other information pertinent to flight safety.

c. Any aircraft engaged in law enforcement operations or operations in support of law enforcement activities in accordance with this Agreement shall comply with such air navigation and flight safety rules as may be required by Dominican aviation authorities, and with any written operating procedures developed for flight operations within its airspace under this Agreement.

ARTICLE 8 OPERATIONS SEAWARD OF THE TERRITORIAL SEA

1. **Authority to Board Suspect Vessels.** Whenever U.S. law enforcement officials encounter a suspect vessel flying the Dominican flag or claiming nationality in the

Dominican Republic, located seaward of any State's territorial sea, by this Agreement the Government of the Dominican Republic authorizes the United States Coast Guard to board, address inquiries, inspect the documents of and search the suspect vessel and the persons found on board.

2. Authority to Detain Suspect Vessels. If evidence of unsafe transport of migrants by sea or smuggling of migrants is found, U.S. law enforcement officials may detain the vessel and persons on board pending expeditious disposition instructions from the Government of the Dominican Republic.

3. Shipboarding Otherwise in Accordance with International Law. Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels, conducted by either Party in accordance with international law, whether based, *inter alia*, on the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorization from the flag or coastal state to take law enforcement action.

ARTICLE 9 JURISDICTION OVER DETAINED VESSELS

1. Jurisdiction of the Dominican Republic. In all cases arising in Dominican waters, or concerning Dominican flag vessels seaward of any State's territorial sea, the Government of the Dominican Republic shall have the primary right to exercise jurisdiction over a detained vessel, cargo and/or, subject to Article 10 of this Agreement, persons on board (including repatriation, seizure, forfeiture, arrest, and prosecution), provided, however, that the Government of the Dominican Republic may, subject to its Constitution and laws, waive its primary right to exercise jurisdiction and authorize the enforcement of United States law against the vessel, cargo and/or persons on board.

2. Jurisdiction in the contiguous zone of a Party. In cases arising in the contiguous zone of a Party, not involving suspect vessels fleeing from the waters of that Party or suspect vessels claiming nationality in that Party, in which both Parties have the authority to exercise jurisdiction to prosecute, the Party which conducts the boarding and search shall have the right to exercise jurisdiction.

3. Disposition Instruction. Instructions as to the exercise of jurisdiction pursuant to paragraph 1 of this Article shall be given without delay.

4. Destruction of Unseaworthy Vessels. Consistent with subparagraphs d. and e. of paragraph 2 of Article 13 of this Agreement, the Government of the Dominican Republic does not object to the U.S. Coast Guard destroying any vessel subject to the jurisdiction of the Dominican Republic and detained pursuant to this Agreement that the U.S. Coast Guard deems to be unseaworthy and/or a hazard to navigation.

5. Return of Seaworthy Vessels. The Government of the Dominican Republic agrees to permit the return of seaworthy vessels subject to its jurisdiction and, in accordance with

paragraphs 4 and 5 of Article 10 of this Agreement, prevent any such vessel from again engaging in the unsafe transport of migrants by sea or in smuggling of migrants.

ARTICLE 10 DISPOSITION OF PERSONS ON BOARD

1. **Processing of Migrants.** Each Party agrees no person found on board a suspect vessel shall be involuntarily returned to a country in which:

a. that person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the Refugee Protocol, or,

b. there are substantial grounds for believing that the person would be in danger of being subjected to torture.

2. **Acceptance of Return of Migrants.** In all cases, including cases arising from operations to suppress unsafe transport of migrants by sea and smuggling of migrants in and over the waters of a Party, the Government of the Dominican Republic agrees, upon prior notification, to facilitate and accept without undue or unreasonable delay the return pursuant to this Agreement and Article 18 of the Palermo Protocol of migrants, regardless of their nationality or country of origin, having most recently departed from the Dominican Republic, or having Dominican nationality, citizenship, or permanent residence. A verbal claim by the master, operator, person in charge of the vessel, or migrants shall be sufficient evidence to establish whether the migrants most recently departed from the Dominican Republic.

3. **No Prosecution for Illegal Departure.** The Government of the Dominican Republic agrees that Dominicans and third country nationals returned to the Dominican Republic and who are not migrant smugglers will not be subject to prosecution for illegal departure.

4. **Prosecution of Migrant Smugglers.** Each Party agrees, where appropriate and to the extent permitted by its law, to prosecute migrant smugglers and to confiscate vessels involved in smuggling of migrants.

5. **Action against Persons found to be Engaging in Unsafe Transport of Migrants by Sea.** Each Party agrees to take appropriate action against masters, officers, crewmembers, and other persons on board suspect vessels engaged in the unsafe transport of migrants by sea.

ARTICLE 11 CASES OF SUSPECT VESSELS

Operations to suppress unsafe transport of migrants by sea or smuggling of migrants pursuant to this Agreement shall be carried out only against suspect vessels and aircraft,

including vessels without nationality and vessels assimilated to vessels without nationality.

ARTICLE 12

NOTIFICATION AND INFORMATION ON THE RESULTS OF ENFORCEMENT ACTIONS

1. **Notification of Results.** A Party conducting a boarding and search pursuant to this Agreement shall promptly notify the other Party of the results thereof.
2. **Status Reports.** The relevant Party shall make reasonable efforts to report to the other Party, consistent with its laws, on the status of all investigations, prosecutions and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of unsafe transport of migrants by sea or smuggling of migrants was found.
3. **Reports to the IMO.** The relevant Party shall report unsafe or illegal practices associated with the smuggling or transport of migrants by sea and measures taken in accordance with the relevant guidance of the IMO.

ARTICLE 13

CONDUCT OF LAW ENFORCEMENT OFFICIALS

1. **Compliance with Law and Practices.** Each Party shall ensure that its law enforcement officials, when conducting boardings and searches pursuant to this Agreement, act in accordance with its applicable national laws and policies and with international law and accepted international practices.
2. **Boarding and Search Teams**
 - a. Boardings and searches pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels or aircraft, and they may be accompanied by other authorized officials.
 - b. The boarding and search teams may operate from law enforcement vessels or aircraft of the Parties and from such ships and aircraft of other States, according to arrangements between the Party conducting the operation and the State providing the vessel or aircraft.
 - c. The boarding and search team may carry standard law enforcement small arms.
 - d. When conducting a boarding and search, law enforcement officials shall take due account of the need not to endanger the safety of life at sea, the security of the suspect vessel and its cargo, or to prejudice the commercial and legal interests of the flag State or any other interested State. Such officials shall also bear in mind the need to

observe norms of courtesy, respect, and consideration for the persons on board the suspect vessel.

e. When taking action with regard to a vessel found to be engaging in unsafe transport of migrants by sea or smuggling of migrants, the Party concerned shall also ensure the safety and the humanitarian handling of the persons on board and that any actions taken with regard to the vessel are, within available means, environmentally sound.

ARTICLE 14 USE OF FORCE

1. **Rules.** All use of force pursuant to this Agreement shall be in strict accordance with the applicable laws and policies of the respective Party and, shall in all cases be the minimum reasonably necessary under the circumstances, except that neither Party shall use force against civil aircraft in flight.

2. **Self-Defense.** Nothing in this Agreement shall impair the inherent right of self-defense by law enforcement or other officials of either Party.

ARTICLE 15 EXCHANGE AND KNOWLEDGE OF LAWS AND POLICIES OF OTHER PARTY

1. To facilitate implementation of this Agreement, each Party shall ensure the other Party is fully informed of its respective applicable laws and policies, particularly those pertaining to the use of force.

2. Each Party shall ensure that all of its officials operating pursuant to this Agreement are knowledgeable concerning the applicable laws and policies of both Parties.

ARTICLE 16 POINTS OF CONTACT

Each Party shall identify to the other Party, and keep current, the points of contact for requests for assistance under paragraph 5 of Article 5, points of contact for notification and exchange of information concerning overflight under paragraph 2 of Article 7, disposition instructions under paragraph 2 of Article 8, exercise of jurisdiction under Article 9, actions under paragraph 2 of Article 10, of this Agreement; and Maritime Interdiction Support under Article 18 of this Agreement.

ARTICLE 17
DISPOSITION OF SEIZED PROPERTY

1. Assets seized in consequence of any operation undertaken in Dominican territory or waters pursuant to this Agreement shall be disposed of in accordance with the laws of the Dominican Republic.
2. Assets seized in consequence of any operation undertaken seaward of the territorial sea of any Party shall be disposed of in accordance with the laws of the seizing Party.
3. To the extent permitted by its laws and upon such terms as it deems appropriate, the seizing Party may, in any case, transfer forfeited assets or proceeds of their sale to the other Party. Each transfer generally will reflect the contribution of the other Party to facilitating or effecting the forfeiture of such assets or proceeds.

ARTICLE 18
INTERNATIONAL MARITIME INTERDICTION SUPPORT

The Government of the Dominican Republic may permit, after notification to and coordination with appropriate officials, on the occasions and for the time necessary for the proper performance of the operations required under this Agreement:

- a. the temporary mooring of United States law enforcement vessels at national ports in accordance with international norms for the purpose of resupplying fuel and provisions, medical assistance, minor repairs, weather and other logistics and related purposes;
- b. entry of additional United States law enforcement officials;
- c. entry of suspect vessels not flying the flag of either Party escorted from waters seaward of either Party's territorial sea by United States law enforcement officials;
- d. United States law enforcement aircraft to land and temporarily remain at international airports in accordance with international norms for the purposes of resupplying fuel and provisions, medical assistance, minor repairs, weather, and other logistics and related purposes;
- e. United States law enforcement aircraft to disembark and embark United States law enforcement officials, including additional law enforcement officials;
- f. the escort of persons, other than Dominican nationals, from suspect vessels escorted by United States law enforcement officials through and exiting out of Dominican territory; and

g. United States law enforcement aircraft to disembark, embark, and depart out of Dominican territory with persons, including migrants, other than Dominican nationals, from suspect vessels.

ARTICLE 19

CLAIMS, SETTLEMENT OF DISPUTES, CONSULTATIONS, AND REVIEW

1. Claims

a. Any injury to or loss of life of a law enforcement official of a Party shall normally be remedied in accordance with the laws of that Party.

b. Any other claim submitted for damage, injury, death or loss resulting from an operation carried out under this Agreement shall be processed, considered, and if merited, resolved in favor of the claimant by the Party whose officials conducted the operation, in accordance with the domestic law of that Party, and in a manner consistent with international law.

c. If any loss, injury or death is suffered as a result of any action taken by the law enforcement or other officials of one Party in contravention of this Agreement, or any improper or unreasonable action is taken by a Party pursuant thereto, the Parties shall, without prejudice to any other legal rights which may be available, consult at the request of either Party to resolve the matter and decide any questions relating to compensation.

2. **Settlement of Disputes.** Disputes arising from the interpretation or implementation of this Agreement shall be settled by mutual agreement of the Parties.

3. Consultations and Review

a. The Parties agree to consult as necessary to evaluate the implementation of this Agreement and to consider enhancing its effectiveness.

b. In case a difficulty arises concerning the operation of this Agreement, either Party may request consultations with the other Party to resolve the matter.

ARTICLE 20

RIGHTS AND PRIVILEGES

Nothing in this Agreement:

a. is intended to alter the rights and privileges due any individual in any legal proceedings, or

b. shall be construed as creating any private right of action for any individual or entity.

ARTICLE 21
PRESERVATION OF LEGAL POSITIONS

Nothing in this Agreement shall:

- a. restrict the ability of either Party to take whatever steps it deems appropriate with regard to individuals whom its authorities determine may qualify for refugee status or otherwise merit international protection;
- b. derogate from the obligations of the Parties under the Palermo Protocol;
- c. supersede any bilateral or multilateral agreement or other cooperative mechanism concluded by the Parties to combat unsafe transport of migrants by sea and smuggling of migrants; or
- d. prejudice in any manner the positions of either Party regarding the international law of the sea.

ARTICLE 22
ENTRY INTO FORCE AND DURATION

1. **Entry into Force.** This Agreement shall enter into force upon signature.
2. **Termination.**
 - a. This Agreement may be terminated at any time by either Party upon written notification to the other Party through the diplomatic channel. Such termination shall take effect six months from the date of notification.
 - b. Upon entry into force of this Agreement, this Agreement shall replace the authorization for United States overflight in Dominican airspace to control illegal migration contained in State Secretary for the Armed Forces letter No. 32045 of November 9, 2000.
3. **Continuation of Actions Taken.** The terms of this Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement during the time that it was in force.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington this 20th day of May 2003, in the English and Spanish languages, each text being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**



**FOR THE GOVERNMENT OF
THE DOMINICAN REPUBLIC:**

